

From: [Stanton, Larry](#)
To: [Irizarry, Gilberto](#); [Tulis, Dana](#)
Subject: RE: "Significant" slurry spill in WV (WVa Gazette article)
Date: Thursday, February 13, 2014 5:48:50 PM

I sent the short one. We can always add if he asks.

I am blessed with an amazing team. Thanks.

L

From: Irizarry, Gilberto
Sent: Thursday, February 13, 2014 5:10 PM
To: Stanton, Larry; Tulis, Dana
Subject: RE: "Significant" slurry spill in WV (WVa Gazette article)
They are both good Larry, but if I had to vote, I would go for the shorter version. Regardless of which one is ultimately provided, I think that it would still be good to ask Mathy to keep for himself.
Gilberto "Tito" Irizarry, Director
Program Operations & Coordination Division
Office of Emergency Management
U.S. Environmental Protection Agency
O: 202-564-7982
C: 202-821-8138

From: Stanton, Larry
Sent: Thursday, February 13, 2014 5:03 PM
To: Irizarry, Gilberto; Tulis, Dana
Subject: RE: "Significant" slurry spill in WV (WVa Gazette article)
Okay, I kind of agree, but I don't think that is what Mathy wants. I have 2 versions, in both I have added Dana's new language up front, with a couple of edits and additions. In the v3, the narrative chronology is still there. in v4, its gone.
Which do we what to send? We can tell Mathy it is for him only.
L

From: Irizarry, Gilberto
Sent: Thursday, February 13, 2014 4:50 PM
To: Tulis, Dana; Stanton, Larry
Subject: RE: "Significant" slurry spill in WV (WVa Gazette article)
Larry and Dana T.:
I tend to agree with your (Dana T.) suggestion of a very brief summary stating the overarching issue/concern and then letting the chronology speak for itself.
In the attached updated version, I have added a few more details to the chronology based on the emails that you (Larry) forwarded to us. A few of those I did not have.
Gilberto "Tito" Irizarry, Director
Program Operations & Coordination Division
Office of Emergency Management
U.S. Environmental Protection Agency
O: 202-564-7982
C: 202-821-8138

From: Tulis, Dana

Sent: Thursday, February 13, 2014 4:08 PM

To: Irizarry, Gilberto; Stanton, Larry

Subject: Re: "Significant" slurry spill in WV (WVa Gazette article)

The more I think about this, the more I think, that we state a simply summary in the email that simply states, the issue as follows.

[REDACTED]

[REDACTED]

[REDACTED]

Then i would add Larry's media statement.

Thanks.

From: Irizarry, Gilberto

Sent: Thursday, February 13, 2014 3:34:49 PM

To: Stanton, Larry; Tulis, Dana

Subject: RE: "Significant" slurry spill in WV (WVa Gazette article)

I did include this in the chronology ...

Gilberto "Tito" Irizarry, Director

Program Operations & Coordination Division

Office of Emergency Management

U.S. Environmental Protection Agency

O: 202-564-7982

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From: Stanton, Larry

Sent: Thursday, February 13, 2014 12:08 PM

To: Tulis, Dana; Irizarry, Gilberto

Subject: Fw: "Significant" slurry spill in WV (WVa Gazette article)

Didn't mention this, but I might go back and work it in

From: Cohen, Nancy

Sent: Tuesday, February 11, 2014 5:15:38 PM

To: Stanislaus, Mathy; Breen, Barry

Cc: Bergman, Shawna; Fine, Ellyn; Brooks, Becky; Beasley, Lynn; Stanton, Larry; Tulis, Dana; Deitz, Randy; Thomas, Latosha

Subject: "Significant" slurry spill in WV (WVa Gazette article)

FYI

<http://www.wvgazette.com/News/201402110032>

CHARLESTON, W.Va. -- More than 100,000 gallons of coal slurry poured into an eastern Kanawha County stream Tuesday in what officials were calling a "significant spill" from a Patriot Coal processing facility.

Emergency officials and environmental inspectors said that roughly six miles of Fields Creek had been blackened and that a smaller amount of the slurry made it into the Kanawha River near Chesapeake.

"There has been a significant environmental impact," said Harold Ward, acting director of the state Department of Environmental Protection's Division of Mining and Reclamation.

The incident occurred at Patriot Coal's Kanawha Eagle operation, Ward said.

Initially, Dale Petry, director of emergency services for Kanawha County, said that an eight-inch slurry line between the preparation plant and the company's refuse impoundment ruptured, sending an underdetermined amount of coal waste into the creek before the flow was stopped.

Later, DEP officials said they had determined that the spill was caused by a malfunction of a valve inside the slurry line carrying material from the preparation plant to a separate disposal site, not to an impoundment.

Patriot officials did not immediately respond to a request for comment.

Earlier on Tuesday, Kanawha County emergency officials referred questions about the incident to the state Department of Military Affairs and Public Safety.

Jimmy Gianato, director of the MAPS Division of Homeland Security and Emergency Management, said he didn't have a lot of details on the incident, but was under the impression it wasn't that serious.

"I don't think there's really anything to it," Gianato said. "It turned out to be much of nothing."

There were also conflicting reports about when the incident occurred and when it was reported to the state.

Petry said that the incident occurred at about 6:15 a.m., and the company reported it to the state at 7:12 a.m. He said the incident should have been reported more promptly to local officials.

"I have problems with that," Petry said. "I need to know about it a little bit sooner."

Aluise, though, said the information he had indicated that the spill occurred sometime between midnight and 5:30 a.m. Company officials turned off the pump that sends slurry from the preparation plant to the impoundment at about 5:30 a.m., Aluise said.

The company called the incident in to the state's spill line at 7:42 a.m., Aluise said.

Aluise characterized the incident as "a significant spill."

Ward said that DEP officials were later able to narrow the timeline, concluding that the spill occurred during a roughly three-hour window and involved a maximum of 108,000 gallons of slurry.

Aluise said that the facility uses the chemical Crude MCHM in its coal-cleaning process, and that DEP was testing the water in the spill area for that chemical.

Coal slurry contains a variety of substances that could be more toxic than Crude MCHM,

including other coal-cleaning chemicals and various metals.

Aluise noted that there were no drinking water intakes in the immediate vicinity of the spill. Laura Jordan, a spokeswoman for West Virginia American Water, issued a statement to reassure the public that the slurry spill would not impact the company's regional drinking water plant in Charleston -- which is located about a mile upstream from where the Elk River empties into the Kanawha.

"Our employees are working on behalf of our customers with local and state officials to gather additional information," Jordan said. "We have been in contact with the West Virginia Bureau for Public Health, which concurs that they do not anticipate any impact to our plant on the Elk River."

Coalfield citizens have for years complained about blackwater spills, and worried about the dangers of coal-slurry impoundments and the potential consequences of injecting coal slurry underground.

A little more than four years ago, the U.S. Office of Surface Mining Reclamation and Enforcement issued a report that cautioned the DEP was not taking strong enough enforcement actions to cut down on blackwater spills from mining operations.

"The team found that existing policies and procedures are not effective in reducing or preventing blackwater spills," said the OSM report, issued in October 2009.

DEP officials rejected OSM's suggestion that DEP re-examine its rules and policies on blackwater spills, arguing that the incidents were on the decline.

"The violation rate for blackwater spills is going down," Tom Clarke, then-DEP's mining director, said at the time. "The figures show it's a declining problem."

After a series of blackwater spills from 2001 to 2003, OSM had launched a review of how well DEP was policing such incidents.

Among other things, the 2009 OSM report found it hard, using DEP inspection reports and databases, to definitively quantify the number of blackwater spills. When spills occur, state inspectors cite companies for violating different regulations, and inspection narratives don't always explain clearly what happened, OSM said.

The lack of clear data may lead some operators to face less serious enforcement action than they should, and may hurt DEP's ability to cite companies for a "pattern of violation," which can lead to operations being shut down and operators being blocked from receiving new permits.

OSM investigators also found that other strategies - including settlement agreements with mine operators and federal criminal prosecution - don't always work in stopping future blackwater spills.

"It appears that the consequences for violating the law, even when the violations are intentional, willful and blatant, are not significant enough to be a deterrent," the OSM report said.